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OFFICE OF PETITIONS

In re Application of
Ulf, et al. : DECISION ON APPLICATION
Application No. 10/055,897 : FOR PATENT TERM ADJUSTMENT
Filed: January 28, 2002 :
Attorney Docket No. 100508-09002 :

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed July 16, 2004, notifying the Office of an error in Applicants' favor in the initial determination of patent term adjustment under 35 U.S.C. § 154(b). Applicants state that the patent term adjustment to date is nineteen (19) days, not two hundred forty-eight (248) days.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**. The determination of PTA at the time of the mailing of the Notice of Allowance is **nineteen (19) days**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance was nineteen (19) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On June 25, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is two hundred forty-eight (248) days.

The Office initially determined a patent term adjustment of two hundred forty-eight (248) days based on an adjustment for PTO delay of two hundred forty-eight (248) days, pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1).

The PTO delay of two hundred forty-eight (248) days has been found to be incorrect. Applicants filed the application on January 28, 2002. Therefore, pursuant to U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), the Office had 14 months, or until March 28, 2003, to file an action under 35 U.S.C. 132 or a Notice of Allowance under 35 U.S.C. 151. An Office action was mailed on April 16, 2003. Accordingly, PTO delay should have been assessed as nineteen (19) days.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **nineteen (19)** days (19 days of PTO delay and 0 days of Applicant delay).

To the extent that this letter was submitted to advise the Office of an error in Applicants' favor, the \$200.00 application fee under 37 C.F.R. § 1.705(b) has not been charged. The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Office of Patent Publication for timely issuance of the patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Karin A. Ferriter
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Enclosure: Copy of adjusted PAIR calculation